

Appl. No. : 10/691,470  
Filed : October 22, 2003

### REMARKS

In response to the Office Action mailed November 16, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### Claim Objections

Claims 40-44, 46, and 48 presently stand objected to for certain informalities. Claims 40-44, 46, and 48 have been amended to address the informalities relating to the recitation of "the neck portion." Claims 46 and 48 have been amended to clarify the indefiniteness objection so as to clearly recite the claimed dimensions. Accordingly, Applicants submit that the objections to the above listed Claims have been overcome. Applicants have also elected to amend Claims 44 and 57 to correct typographical errors pertaining to the omission of the introductory "the".

#### Claim Rejections

Claims 39, 45, 48, 53 and 57 stand rejected as anticipated by Christensen (3,466,748). Claims 39, 40, 47-52 and 47 stand rejected as anticipated by Hahn (5,795,160). Claims 41-44 stand rejected as obvious over Hahn. Claims 46-54-56 stand rejected as obvious over Christensen.

Applicants respectfully submit that neither Hahn nor Christensen disclose a flexible neck segment connected to and abutment as recited in Claim 39. Furthermore, the Christensen makes no reference of flexibility of the shaft 11 as recited in Claim 39 of the present application. Hahn also makes no mention of a flexible neck nor any other flexible portion of a dental implant. Thus, Applicants submit the flexible neck as recited in Claim 39 is not taught or suggested in either the Hahn or the Christensen references.

However, in order to expedite allowance, applicants have elected to amend Claim 39 to recite an additional "a torque engagement segment position below the flexible neck segment and above the body segment, said torque segment configured to engage a torque-imparting tool." This feature is not disclosed by the cited art. Furthermore, for arguments sake, if the Christensen anchor screw could be flexed about the shaft 11 then the anchor screw could no longer be easily rotated by the enlarged head 14 of the Christensen anchor screw after flexing of the shaft 11.

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That is, any rotation of the anchor screw would have to be performed prior to any flexing of the shaft 11. With the presence of the torque segment in the claimed invention, in some embodiments, the torque segment can advantageously remain substantially straight after flexing the flexible neck segment thus allowing continued rotational adjustment to be performed after flexing of the abutment. This is neither taught nor suggested in either Christensen or Hahn. In addition, imparting a torque force above the flexible neck segment could disadvantageously twist or deform the neck segment. At least for the reasons set forth above, Applicants submit that Claim 39 is in condition for allowance.

Claim 40-57 are allowable not only because they depend from independent Claim 39 but on their own merit as well. Thus, re-examination and allowance of Claim 40-57 is respectfully requested.

#### **New Claims**

New Claims 62 depends upon allowable Claim 3 and for at least this reason is also in condition for allowance.

New independent Claim 63, recites, in part, "a torque engagement segment position between the flexible neck segment and the body segment, said torque segment configured to engage a torque-imparting tool." As noted above, the cited references do not disclose an implant with this feature. For at least this reason, Applicants submit Claim 63 is in condition for allowance.

#### **CONCLUSION**

For at least the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present Claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the Claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Rabinder N. Narula (949) 721-2890 (direct line), to resolve such issue promptly.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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AMEND

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